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Paper No. 6

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APR 26 2002

In re Application of	:	OFFICE OF PETITIONS
Jason Ashton	:	
Application No. 09/863,124	:	ON PETITION
Filed: May 22, 2001	:	
Attorney Docket No. 020574-000110US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 26, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed July 23, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 24, 2001.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the request for petition for extension of time submitted with the petition on March 26, 2002 was subsequent to the maximum extendable period for reply, therefore, the request is unnecessary and no fee for extension of time is being charged.

Pursuant to petitioner's authorization, Deposit Account No. 20-1430 was charged a total of \$705.00 -- \$640.00 for the petition to revive an unintentionally abandoned application and \$65.00 for the surcharge.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Initial Patent Examination Division.

A handwritten signature in black ink, appearing to read "Wan Laymon".

Wan Laymon

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy